

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

In Re:	:	Chapter 13
Jeffrey G Richmond	:	
	:	Case No. 17-32838
	:	
	:	JUDGE HUMPHREY

**APPLICATION TO EMPLOY BOUCHER AND BOUCHER CO., LPA AND ATTORNEY JULIA C. KOLBER AS SPECIAL COUNSEL FOR THE DEBTOR**

Debtor, Jeffrey Richmond (hereinafter "the Debtor"), respectfully represents that he had a liability claim against Dry Patrol, LLC which created additional equity for the Bankruptcy Estate. For that reason, the Debtor seeks to employ BOUCHER AND BOUCHER CO., LPA AND ATTORNEY JULIA C. KOLBER for the civil claim against Dry Patrol, LLC in accordance with 11 U.S.C. §327 and LBR 2014.

The Debtor believes that it is in the best interest of the bankruptcy estate, and that it is necessary that for BOUCHER AND BOUCHER CO., LPA be authorized to render the above-described legal services. BOUCHER AND BOUCHER CO., LPA is familiar with the claim of the Debtor and has had considerable experience in civil liability cases which makes them well-qualified to represent the Debtor and this Bankruptcy estate.

Julia C. Kolber is the case attorney for the Dry Patrol liability claim. She is an attorney at law, duly admitted to practice before the Montgomery County Court of Common Pleas and before all Ohio state courts.

To the best of the Debtor's knowledge, said BOUCHER AND BOUCHER CO., LPA does not and shall not during the pendency of this case, hold or represent any interest adverse to the bankruptcy estate and Julia C. Kolber is a disinterested person within the meaning of 11 U.S.C. § 101(14). The affidavit of Julia C. Kolber is attached hereto and incorporated herein by reference. (*See Exhibit A*).

BOUCHER AND BOUCHER CO., LPA entered into a written fee agreement with the Debtor herein which provides for an hourly rate of \$250.00 per hour, with no contingency or flat fee agreements.

The Debtor requests that the same fee agreement apply to the proposed service as special counsel for the bankruptcy estate.

The Debtor submits that BOUCHER AND BOUCHER CO., LPA will not be paid attorney fees without further application and order by this Court.

The Debtor submits that it is consistent with the Bankruptcy Code that BOUCHER AND BOUCHER CO., LPA be authorized to represent the Debtor in his pending civil liability claim.

No previous application for the relief sought herein has been made to this or any other Court. BOUCHER AND BOUCHER CO., LPA has not entered into any agreement to share any fees awarded by the Court with any other party in interest, including the Chapter 13 Trustee.

WHEREFORE, the Debtor moves for an Order of this Court authorizing the retention and employment, as of the date of this Application, of BOUCHER AND BOUCHER CO., LPA as special counsel for the estate, to be compensated as set forth above.

Respectfully submitted,

/s/ Julia C. Kolber

**Julia C. Kolber (0078855)**  
**BOUCHER & BOUCHER CO., LPA**  
12 W. Monument Ave., Suite 200  
Dayton, OH 45402-1202  
t: 937.223.0122  
f: 937.223.0120  
Email: [Julia@boucherandboucher.com](mailto:Julia@boucherandboucher.com)

/s/ Thomas M. Fesenmyer

Thomas M. Fesenmyer (0073901)  
**FESENMYER LAW OFFICES, LLC**  
Attorney for Debtor  
120 W. 2<sup>nd</sup> St., Suite 1212  
Dayton, OH 45402  
t: 937.222.7472  
f: 614.228.3882  
Email: [tom@fcwlegal.com](mailto:tom@fcwlegal.com)

**NOTICE OF FILING OF APPLICATION TO EMPLOY SEPCIAL COUNSEL**

Debtor in this case has filed papers with the Court to employ BOUCHER AND BOUCHER CO., LPA AND ATTORNEY JULIA C. KOLBER

**Your rights may be affected. You should read these papers carefully and discuss them your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.** If you do not want the Court to enter an order authorizing the employment of special counsel, or if you want the Court to consider your views on the Application, then on or before twenty-one (21) days from the date listed on the Certificate of Service below, you or your attorney must file with the Court a written response outlining your position and/or a written request for a hearing. If you mail your response/request to the Court, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy to:

Thomas M. Fesenmyer  
FESEMYER LAW OFFICES, LLC  
Attorney for Debtor  
120 W. 2<sup>nd</sup> St., Suite 1212  
Dayton, OH 45402

Julia C. Kolber  
Boucher & Boucher Co., LPA  
12 W. Monument Ave., Suite 200  
Dayton, OH 45402-1202

Office of the United States Trustee  
170 N. High Street, Suite 200  
Columbus, Ohio 43215

Jeffrey M. Kellner, Chapter 13 Trustee  
131 N. Ludlow St., Suite 900  
Dayton, OH 45402-1161

Jeffrey G. Richmond  
115 Horace St.  
Dayton, OH 45402

If the Court sets a hearing on your response/request, you must also attend the hearing. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Application and may enter an order granting that relief.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing APPLICATION TO EMPLOY BOUCHER AND BOUCHER CO., LPA AND ATTORNEY JULIA C. KOLBER AS SPECIAL COUNSEL FOR THE DEBTOR was served (i) electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by ordinary U.S. Mail on February 7th, 2018 addressed to:

**Debtor:**

Jeffrey G. Richmond  
115 Horace St.  
Dayton, OH 45402

**Creditors:**

See attached mailing list

/s/ Julia C. Kolber

**BOUCHER AND BOUCHER CO., LPA**

/s/ Thomas M. Fesenmyer

Thomas M. Fesenmyer (0073901)

**FESENMYER LAW OFFICES, LLC**

Label Matrix for local noticing  
0648-3

Case 3:17-bk-32838

Southern District of Ohio

Dayton

Wed Feb 7 12:15:02 EST 2018

(p)APPLIED BANK

PO BOX 15809

WILMINGTON DE 19850-5809

Bayview Loan Servicing, LLC

Attn: Bankruptcy Dept.

4425 Ponce de Leon Blvd., 5th Floor

Miami, FL 33146-1837

Code C U I/1

355 W Monument Ave

Dayton, OH 45402-3016

Creditonebnk

Po Box 98875

Las Vegas, NV 89193-8875

First Premier Bank

601 S Minnesota Ave

Sioux Falls, SD 57104-4868

Homeserv Llc

314 S Franklin St

Titusville, PA 16354-2168

MONTGOMERY COUNTY TREASURER

451 WEST THIRD STREET

DAYTON, OH 45422-0002

Montgomery County Treasurer

451 W. Third St.

P.O. Box 972

Dayton, OH 45422-1000

Nationstar/mr. Cooper

350 Highland Dr

Lewisville, TX 75067-4177

2011-2012 Opportunity Fund 6-1, LLC  
co Homeservicing LLC

2431 S. Acadian Thruway, Ste. 525

Baton Rouge, LA 70808-2377

Asst US Trustee (Day)

Office of the US Trustee

170 North High Street

Suite 200

Columbus, OH 43215-2417

(p)CAPITAL ONE

PO BOX 30285

SALT LAKE CITY UT 84130-0285

Credit Acceptance

Po Box 513

Southfield, MI 48037-0513

Deutsche Bank National Trust Co. Trustee (Se

c/o Specialized Loan Servicing LLC

8742 Lucent Blvd, Suite 300

Highlands Ranch, Colorado 80129-2386

G M A C

200 Renaissance Ctr

Detroit, MI 48243-1300

JPMorgan Chase Bank, NA

c/o Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Midland Funding

2365 Northside Dr Ste 30

San Diego, CA 92108-2709

Matthew Murtland

Shapiro, Van Ess, Phillips & Barragante

4805 Montgomery Road, Suite 320

Cincinnati, OH 45212-2280

Navient

Po Box 9500

Wilkes Barre, PA 18773-9500

2011-201 Opportunity Fund 6-1, LLC  
c/o SN Servicing

323 Fifth Street

Eureka, CA 95501-0305

Austin B Barnes III

Law Offices of Manbir S. Sandhu, LLC

1213 Prospect Avenue, Suite 300

Cleveland, OH 44115-1260

Chase Mtg

P.O. Box 24696

Columbus, OH 43224-0696

Credit One Bank Na

Po Box 98875

Las Vegas, NV 89193-8875

Thomas M Fesenmyer

Fesenmyer Law Offices, LLC

120 West Second Street, Suite 1212

Dayton, OH 45402-1685

Adam Bradley Hall

Manley Deas Kochalski

P.O. Box 165028

Columbus, OH 43216-5028

Jeffrey M Kellner

131 N Ludlow St

Suite 900

Dayton, OH 45402-1161

(p)MONTGOMERY COUNTY ENVIRONMENTAL SERVICES

1850 SPAULDING RD

KETTERING OH 45432-3732

Nationstar Mortgage, LLC

ALDRIDGE PITE, LLP

4375 Jutland Drive, Suite 200

P.O. Box 17933

San Diego, CA 92177-7921

Navient Solutions, LLC. on behalf of

United Student Aid Funds, Inc.

Attn: Bankruptcy Litigation Unit E3149

PO Box 9430

Wilkes Barre, PA 18773-9430

Novastar Financial  
1900 West 47th Place Suite 205  
Shawnee Mission, KS 66205-1852

OCWEN Loan Servicing  
12650 Ingenuity Dr.  
Orlando, FL 32826-2703

OCWEN Loan Servicing L  
12650 Ingenuity Dr  
Orlando, FL 32826-2703

Ocwen Loan Servicing, LLC  
1661 Worthington Road, Suite 100  
West Palm Beaach, FL 33409-6493

Ocwen Loan Servicing, LLC  
1661 Worthington Road, Suite 100  
West Palm Beach, FL 33409-6493

Paul T. Saba, Esq.  
Stagnaro, Saba & Patterson Co., LPA  
2623 Erie Ave.  
Cincinnati, OH 45208-2001

Pnc Bank  
2730 Liberty Ave  
Pittsburgh, PA 15222-4747

Quantum3 Group LLC as agent for  
Sadino Funding LLC  
PO Box 788  
Kirkland, WA 98083-0788

Jeffery G. Richmond  
115 Horace St.  
Dayton, OH 45402-8316

Ron's Auto Sales  
7901 N Main St  
Dayton, OH 45415-2329

Rons Auto Sales  
7901 N. Main St.  
Dayton, OH 45415-2329

S&N Servicing Corp  
323 5th St.  
Eureka, CA 95501-0305

Paul T Saba  
Stagnaro Saba & Patterson  
2623 Erie Ave.  
Cincinnati, OH 45208-2001

Suzanne M. Godenswager  
1213 Prospect Ave., Suite 300  
Cleveland, OH 44115-1260

Synch/sams Club  
Po Box 965005  
Orlando, FL 32896-5005

Tax Ease Ohio LLC  
14901 Quorum Dr., Suite 900  
Dallas, TX 75254-7021

Tax Ease Ohio LLC  
CO CSC Lawyers Inc Service  
50 West Broad St., Suite 1800  
Columbus, OH 43215-5910

Tax Ease Ohio, LLC  
c/o Sandhu Law Group, LLC  
1213 Prospect Avenue, Suite 300  
Cleveland, Ohio 44115-1260

Tax Redevelopment, LLC  
2623 Erie Avenue  
Cincinnati, OH 45208-2001

U.S. Bank National Association  
Nationstar Mortgage LLC d/b/a Mr. Cooper  
ATTN: Bankruptcy Dept. PO BOX 619096  
Dallas, TX. 75261-9741

US Attorney  
200 W Second St Rm 602  
Dayton OH 45402-1480

Wf Crd Svc  
Cscl Dispute Team N8235-04m  
Des Moines, IA 50306

Wffinancial  
2501 Seaport Dr Ste Bh30  
Chester, PA 19013-2249

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Applied Bank  
4700 Exchange Court  
Boca Raton, FL 33431

Capital One  
15000 Capital One Dr  
Richmond, VA 23238

Montgomery County Environmental Services  
1850 Spaulding Rd.  
Kettering OH 45432

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)HSBC Bank USA, NA

(u)JPMorgan Chase Bank, NA

(u)Tax Ease Ohio, LLC

(d)Tax Redevelopment, LLC  
2623 Erie Ave.  
Cincinnati, OH 45208-2001

(u)US Bank, NA

(u)Wells Fargo Bank, N.A.

End of Label Matrix	
Mailable recipients	52
Bypassed recipients	6
Total	58

LBR Form 2014-1(g) – 2

EXHIBIT A

**AFFIDAVIT OF PROPOSED SPECIAL COUNSEL**

State of Ohio                                 }  
  }  
County of Montgomery                 }       ss:

I, Julia C. Kolber, being duly sworn, hereby declare under oath the following:

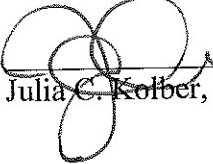
- I am the Attorney named in the Application of to Appoint Special Counsel.
- My mailing address, telephone number, fax number, email address and state bar number are:

Julia C. Kolber, (Bar Reg. #0078855)  
**Boucher & Boucher Co., LPA**  
12 W. Monument Ave., Suite 200  
Dayton, OH 45402-1202  
t: 937.223.0122  
f: 937.223.0120  
*Email: julia@boucherandboucher.com*


- I am an Attorney licensed and in good standing to practice in the State of Ohio I and am duly admitted to practice in the Common Pleas Court of Montgomery County, Ohio.
- The representations set forth in the Application to Appoint Special Counsel are true and correct.
- I have no past or present relationship to the Debtor(s), the Trustee, any creditor or equity security holder of the Debtor(s), except as counsel for Debtor(s) regarding the Dry Patrol, LLC liability claim of **Jeffrey Richmond**, and as except for counsel for Debtor on past, unrelated lawsuits and legal matters. Further, I have no connection with the Debtor(s), creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, except as counsel for Debtor(s) regarding the Dry Patrol, LLC liability claim of **Jeffrey Richmond** and as except for counsel for Debtor on past, unrelated lawsuits and legal matters.
- I do not represent or hold an interest adverse to the debtor(s) or to the estate with respect to the matter on which I am to be employed.
- My proposed employment is not prohibited by or improper under Fed. R. Bankr. P. 5002.



- I declare under penalty of perjury that the foregoing is true and correct.

  
Julia C. Kolber, (Bar Reg. #0078855)

Sworn to and subscribed before me said Julia C. Kolber on this 6<sup>th</sup> day of February, 2018.

  
Notary Public  
Commission Expires \_\_\_\_\_  
KIMBERLY R SAIN, Notary Public  
In and for the State of Ohio  
My Commission Expires April 28, 2021